

28-21-02

CPA/2800/



PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:  
[ ] DUPLICATE

Address to: Assistant Commissioner for Patents  
Box CPA  
Washington, D. C. 20231

Attorney Docket No. of Prior Application 042390P7794  
First Named Inventor Anand Murthy et al.  
Examiner Name Eugene Lee  
Group Art Unit 2815  
Express Mail Label No. EL 821 774 952 US

TECHNOLOGY CENTER  
AUG 22 2002  
2800

#10/004  
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This is a request for a ☒ continuation or ☐ divisional under 37 CFR 1.53(d)  
(continuation prosecution application (CPA)) of prior application No: 09/475,452  
filed on December 30, 1999, entitled A NOVEL MOS TRANSISTOR STRUCTURE AND METHOD OF FABRICATION

If the Patent and Trademark Office determines that this request under 37 CFR 1.53(d) is improper, the Office is requested to treat this CPA as a request for continued examination of the above identified application under 37 CFR 1.114.

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application practice," Final rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).  
☐ a. DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_  
☐ b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- ☐ Information Disclosure Statement (IDS) is enclosed:  
a. ☐ PTO - 1449  
b. ☐ Copies of IDS Citations

08/22/2002 BMSUYEN1 00000101 09475452

01 FC:116 400.00 OP  
02 FC:131 740.00 OP

**CLAIMS**

(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
Total Claims (37 CFR 1.16(c) or (j))	<u>14</u> - <b>20*</b> =	<u>0</u>	X <u>\$18.00</u> =	<u>\$ 0.00</u>
Independent Claims (37 CFR 1.16(b) or (i))	<u>2</u> - <b>3**</b> =	<u>0</u>	X <u>\$84.00</u> =	<u>\$ 0.00</u>
Multiple Dependent Claims (if applicable) (37 CFR 1.16(d))			+ <u>\$280.00</u> =	<u>\$ 0.00</u>
			BASIC FEE (37 CFR 1.16(a))	<u>\$ 740.00</u>
Total of above Calculations				= <u>\$ 740.00</u>
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				<u>\$</u>
TOTAL =				<u>\$ 740.00</u>

\* Reissue claims in excess of 20 and over original patent.

\*\* Reissue independent claims over original patent.

6.      Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. X The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 02-2666. Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

a. X Fees required under 37 CFR 1.16.b. X Fees required under 37 CFR 1.17.c.      Fees required under 37 CFR 1.18.8. X A check in the amount of \$ 740.00 is enclosed.9.      Payment by credit card. Form PTO-2038 is attached.10.      Applicant requests suspension of action under 37 CFR 1.103(b) for a period of      months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.11.      New Attorney Docket Number, if desired       
(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)12. a.      Receipt for Facsimile Transmitted CPA (PTO/SB/29A)  
b.      Return Receipt Postcard (Should be specially itemized, See MPEP 503)13.      Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. (Reminder: First investigate foreign filing question).14. X Other: Express Mail Certificate of Mailing; Petition for Extension of Time**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.**14. NEW CORRESPONDENCE ADDRESS**     Customer Number or Bar Code Label  
OR

(Insert Customer No. or Attach Bar Code Label here)

     New Correspondence Address BelowNAME Michael A. BernadicouADDRESS BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
12400 Wilshire BoulevardCITY Los Angeles STATE California ZIP CODE 90025-1026COUNTRY USA TELEPHONE (408) 720-8300 FAX (408) 720-9397**15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**NAME Michael A. BernadicouSIGNATURE REGISTRATION NO. 35,934DATE 8/19/02



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## EXPRESS MAIL CERTIFICATE OF MAILING

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"Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231

Terese Edwards

(Typed or printed name of person mailing paper or fee)

Terese Edwards

(Signature of person mailing paper or fee)

August 19, 2002

(Date signed)

Serial/Patent No.: 09/475,452 Filing/Issue Date: December 30, 1999  
Client: Intel Corporation  
Title: A NOVEL MOS TRANSISTOR STRUCTURE AND METHOD OF FABRICATION

BSTZ File No.: 042390P7794  
Date Mailed: August 19, 2002

Atty/Secty Initials: MAB/te  
Docket Due Date: August 19, 2002

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Amendment/Response (____ pgs.)   | <input checked="" type="checkbox"/> Express Mail No.: <u>EL821774952US</u>           | <input checked="" type="checkbox"/> Check No. <u>51993</u> |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)                               | <input checked="" type="checkbox"/> <u>TWO</u> Month(s) Extension of Time            | Amt: <u>\$740.00</u>                                       |
| <input type="checkbox"/> Application - Utility (____ pgs., with cover and abstract)             | <input type="checkbox"/> Information Disclosure Statement & PTO-1449 (____ pgs.)     | <input checked="" type="checkbox"/> Check No. <u>51994</u> |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)                    | <input type="checkbox"/> Issue Fee Transmittal                                       | Amt: <u>\$400.00</u>                                       |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.)                      | <input type="checkbox"/> Notice of Appeal  |  |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)                             | <input checked="" type="checkbox"/> Petition for Extension of Time                   |  |
| <input checked="" type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal ( <u>3</u> pgs.) | <input type="checkbox"/> Petition for _____  |  |
| <input type="checkbox"/> Application - Design (____ pgs.)                                       | <input checked="" type="checkbox"/> Postcard   |  |
| <input type="checkbox"/> Application - PCT (____ pgs.)  | <input type="checkbox"/> Power of Attorney (____ pgs.)                               |  |
| <input type="checkbox"/> Application - Provisional (____ pgs.)                                  | <input checked="" type="checkbox"/> Preliminary Amendment ( <u>11</u> pgs.)          |  |
| <input type="checkbox"/> Assignment and Cover Sheet   | <input type="checkbox"/> Reply Brief (____ pgs.)                                     |  |
| <input checked="" type="checkbox"/> Certificate of Mailing                                      | <input type="checkbox"/> Response to Notice of Missing Parts                         |  |
| <input type="checkbox"/> Declaration & POA (____ pgs.)  | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business |  |
| <input type="checkbox"/> Disclosure Docs & Orig & Copy of Inventor's Signed Letter (____ pgs.)  | <input type="checkbox"/> Transmittal Letter, in duplicate                            |  |
| <input type="checkbox"/> Drawings: _____ # of sheets includes _____ figures                     | <input type="checkbox"/> Fee Transmittal, in duplicate                               |  |

☒ Other: Express Mail Certificate of Mailing

EL821774952US



Attorney Docket No.: 042390P7794

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: )  
Anand Murthy et al. )  
Application No: 09/475,452 )  
Filed: December 30, 1999 )  
For: A NOVEL MOS TRANSISTOR )  
STRUCTURE AND METHOD OF )  
FABRICATION )

Examiner: Lee, Eugene

Art Unit: 2815

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#11/Pre-Grant  
Anand  
9/8/02

Assistant Commissioner for Patents  
Box CPA  
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

In response to the Final Office Action mailed March 19, 2002, Applicant respectfully requests the Examiner to enter this Continued Prosecution Application (CPA) and Preliminary Amendment.

FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231

on August 19, 2002  
Date of Deposit

Teresa Edwards  
Name of Person Mailing Correspondence

Signature

Date